

**Decision Notice
and
Finding of No Significant Impact
for
Crystal Lake FAS Development Project
Environmental Assessment**

**Fish, Wildlife & Parks
Region 1
490 N. Meridian Road
Kalispell, MT 59901**

April 23, 2008

Description of Proposed Action and Alternatives

Montana Fish, Wildlife & Parks (FWP) proposes to reestablish public motorboat access on Crystal Lake in Lincoln County, Montana. There are three potential locations on FWP property around Crystal Lake for consideration of developing a fishing access site (FAS). There are six different access routes to these potential locations. The FAS would include a boat launch, parking area (6-10 spaces), and a latrine. The proposed action would be implemented as early as summer 2008 and may not be completed until after summer 2008.

Alternative A: Continue present access, maintenance, and use (no action).

Under this alternative FWP would not develop an FAS, with the ultimate goal of providing a public boat-launching site on Crystal Lake. FWP would neither improve nor restrict pedestrian access to undeveloped FWP land (FWP East Shore Property and West Shore Property) on Crystal Lake.

Alternative B: East Shore site development, short access road.

Under this alternative, FWP would construct an FAS on undeveloped FWP East Shore Property on Crystal Lake. The travel route to this site would be via Lakeshore Drive. This is the most direct access route from US Highway 2 West.

Alternative C: East Shore site development, long access road.

Under this alternative FWP would develop an FAS on FWP East Shore Property on Crystal Lake. The boat launch and parking area would be located in the same place as in Alternative B; however, the access road would be in a different location. Under Alternative C, the access road would be much longer, but it would not be in direct view of the private residence. The development would include rehabilitating 2,000 feet of roadbed; constructing approximately 500 feet of new road, a parking area, and a boat launch; and installing a latrine.

Alternative D: West Shore site development, Rainbow Lake Road.

Under this alternative FWP would develop an FAS on FWP West Shore Property on Crystal Lake. The development would include improving 2.8 miles of road, constructing 0.1 miles of new road, and installing a new bridge. The travel route to the FAS would be across Upper Thompson Lake, south of Crystal Lake, on Rainbow Lake Road. This road is an unimproved road that crosses FWP, Department of Natural Resources and

Conservation (DNRC), and Plum Creek Timber Company properties. FWP would attempt to enter into an easement and maintenance agreement with DNRC and Plum Creek Timber Company to ensure perpetual public access to the site. There is a temporary bridge across Upper Thompson Lake that would need replacement to continue public access to the potential FAS.

Alternative E: Turtle Cove site development, Rainbow Lake Road.

Under this alternative FWP would develop an FAS on FWP West Shore Property on Crystal Lake near Turtle Cove. The development would include improving 2.4 miles of road, constructing 0.4 miles of new road, and installing a bridge. The travel route to the FAS would be across Upper Thompson Lake, south of Crystal Lake, on Rainbow Lake Road. This road is an unimproved road that crosses FWP, Department of Natural Resources and Conservation (DNRC), and Plum Creek Timber Company properties. FWP would attempt to enter into an easement and maintenance agreement with DNRC and Plum Creek Timber Company to ensure perpetual public access to the site. There is a temporary bridge across Upper Thompson Lake that would need replacement to continue public access to the potential FAS.

Alternative F: West Shore site development, East Crystal Lake Road.

Under this alternative the parking area and boat launch locations and concerns would be the same as under Alternative D; however, the travel route and access road would be in a different location. The travel route to FWP West Shore Property would be on the south side of Crystal Lake through Lakeshore Drive and East Crystal Lake Road (0.95 miles of residential road). The access road would be located at the end of East Crystal Lake Road. East Crystal Lake Road is a county road. Under this alternative FWP would improve 0.9 miles of road and construct 0.1 miles of new road.

Alternative G: Turtle Cove site development, East Crystal Lake Road.

Under this alternative the parking area and boat launch locations would be the same as under Alternative E, and the travel route and access location would be the same as under Alternative F. Under this alternative FWP would improve 0.9 miles of road, and construct 0.4 miles of new road.

Background

In 1993, Montana Fish, Wildlife & Parks accepted ownership of 235.13 acres of land on Crystal Lake from Champion International Corporation and the Richard King Mellon Foundation, with assistance by The Conservation Fund, as a part of the Thompson Chain of Lakes Fishing Access Site. The 1993 Thompson Chain of Lakes Management Plan and Environmental Assessment states that: *Thompson Chain will be managed as a fishing access area for traditional and dispersed recreation use, with management and development consistent with the FWP Fishing Access Program. The focus will be on protecting the resource and providing public access for the purpose of boating and fishing (i.e., boat ramps, parking and road improvements, vault toilets, signing, and fencing).*

Prior to 2007, public access to Crystal Lake was permitted at Happy's Inn, a private boat launch. This public access had been permitted for many years. In 2006, the private landowners of Happy's Inn sold their property, which included the boat launch. The new landowners closed the boat launch to public use. Happy's Inn boat launch on Crystal Lake had been a popular destination for anglers and other motorboat recreationists from

the Libby and Kalispell areas for many years. With the loss of public access to this boat launch, many residents of the lake, visitors, and recreationists have asked FWP to reestablish public boat launching on the lake. Reestablishing public motorboat access to Crystal Lake is a priority for FWP.

Public Comment - Montana Environmental Policy Act

On May 3, 2007, a public scoping meeting was held at the Fisher River Fire Hall near Happy's Inn. FWP staff presented internal scoping information, and public comments were collected in written form regarding the potential for an FAS on Crystal Lake. Comments were collected from May 3 through May 17, and 83 written responses were received. Responses from public scoping were utilized in the development of alternatives for developing a public motorboat access site on FWP-owned lands on Crystal Lake.

FWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an environmental assessment (EA) was completed for the proposed project by FWP and released for public comment on December 7, 2007.

Summary of Public Comment

MEPA directs state agencies to ensure that the public is informed of and participates in the decision-making process. Public participation is not a plebiscite, which measures how many people favor or oppose a proposal, but rather a mechanism for agencies to consider substantive comments.

- *Public comments on the proposed project were accepted for 45 days, between December 7, 2007, and January 21, 2008.
- Legal notices were published in the Kalispell Daily Inter Lake, the Libby Western News, the Missoulian, and the Helena Independent Record on November 28 and December 5, 2007.
- A news release was sent out December 6, 2007.
- Legal notice and the draft EA were posted on the FWP web site at fwp.mt.gov under Public Notices.
- The draft was available at the Region 1 headquarters office in Kalispell and the FWP state headquarters office in Helena, the Montana State Library, and also in the local libraries in Libby, Troy, and Eureka.
- Approximately 400 post cards were sent to adjacent property owners and interested parties, notifying them of the availability of the draft, how to access copies of the draft, and comment period information.
- The draft was e-mailed or mailed to the usual government agencies and local legislators and commissioners.

*The comment period was extended for two weeks through January 21, 2008, in response to a public request to do so. The public was notified of this extension through a news release sent out January 7, 2008.

Public Response

A total of 198 written responses were received during the comment period. In general, the majority of comments focused on the pros and cons of situating a boat launch facility on either the east or west side of Crystal Lake. The following is a general synopsis of

comments received regarding the seven alternatives developed in the EA. (A complete synopsis of public comments and FWP responses, entitled *Appendix 1 – Crystal Lake FAS Development Public Comments*, is available on the FWP web site at fwp.mt.us under Public Notices, or copies can be requested from the Region One FWP office by calling 751-4579.)

Alternative A: No Action.

There were eight respondents who felt that the no-action alternative should be selected. Some felt that there was not precedent for public access on Crystal Lake. Others felt that the lake could not accommodate any further boating traffic than what currently exists and that water quality would be compromised. Some respondents felt that this alternative would fail to meet FWP's objectives and would be unfair to taxpayers and anglers.

Alternative B: East Shore site development, short access road.

There were 67 respondents who felt that this alternative should be selected. Written comments stated that this option provided the safest, most convenient, and most cost-effective location. Other comments said that this location would be easier to maintain and patrol, would cause the least amount of impact to people, would provide quicker emergency response time, and would provide the best year-round access for boating and ice angling. Some respondents felt that this site provided adequate or good conditions for a boat launch in regard to water depth, gradient, and flat parking spaces.

Some respondents felt that this alternative provided the least amount of environmental impacts to wildlife and water quality and that it would allow FWP to leave the west side of the lake in a pristine condition.

Opponents of this alternative felt that there would be severe impacts to the owners of a residential property located to the south of this location. Comments were received that stated the neighbors would suffer from noise, litter, latrine smells, loss of privacy, loss of personal safety, and property devaluation. Some respondents stated that the site was too close to the neighbor and that they would be uncomfortable using this site.

Some felt that this location would create problems by generating road dust and would create safety hazards by placing a public boat launch within 200 feet of a private dock. Finally, one respondent expressed concern for impacts to a small pond situated within the project area.

Alternative C: East Shore site development, long access road.

Two respondents felt this alternative should be selected. This alternative is identical to Alternative B, with the exception of the access road. The access road in this alternative is longer and does not pass as near to residential property as the road in Alternative B does.

Proponents of this alternative commented much the same as those who favored Alternative B, with the exception that they felt this alternative would lessen the impacts on the neighbors. Opponents of Alternative C objected for the same reasons documented in Alternative B. Some commented that they did not favor the added expense in developing a longer access road.

General East Side Comments

Several respondents submitted comments about the east shore site in general, without specifying Alternatives B or C. Seven respondents indicated that they felt the east side should be selected.

In addition to comments mentioned previously under Alternatives B and C, opponents of developing a site on the east side commented that there could be conflict between adjacent homeowners and site users, a potential for vandalism to adjacent homeowners, and that there would be insufficient law enforcement, resulting in enforcement responsibilities falling on private citizens. Additional comments were received stating that the east side was less desirable because there would be more wind and waves on the east side, there would be less room to expand in the future, there would be safety concerns with swimmers near private docks, boaters would have a difficult time obeying the 200' no wake rule, and the east side was a higher fire threat to adjacent homeowners.

In addition to comments mentioned previously under Alternatives B and C, proponents of an east side development commented that this site was favorable because road systems were already in place, resulting in less ground disturbance. Some commented that the site would be more conducive to winter use because the site is sunnier. One respondent felt this site was less of a fire risk.

Alternative D: West Shore site development, Rainbow Lake Road.

No respondents felt that this alternative should be selected. Opponents of this alternative commented that this site was too close to adjacent property owners and that they would suffer from noise, latrine odors, loss of property value, and a loss of privacy. One respondent commented that this site would be harder to police. Some commented that road dust would be a problem and that this site would cost too much to develop. One respondent stated that emergency response would be slower. One respondent commented that FWP would first need to require public easements on segments of road not owned by FWP. Comments were received stating that this alternative would negatively impact deer and elk and waterfowl habitat, as well as old-growth timber and a fen that is located within the project area, and result in greater runoff into Crystal Lake.

Comments were received stating that this site would adversely impact the pristine area and that illegal camping and fires would be more likely to occur.

Alternative E: Turtle Cove, via Rainbow Lake Road.

Seven respondents felt that this alternative should be selected. Proponents of this alternative felt it would protect homeowners from increased use on Lakeshore Drive and that there would be fewer conflicts due to the distance from existing homes. One respondent wrote that this alternative was better because it would limit use on the lake due to its remoteness. One respondent felt that this alternative provided better opportunity for site expansion in the future. Finally, two respondents felt that FWP could afford the cost of road development to this site by selling property elsewhere on Crystal Lake to generate funds.

Opponents of this alternative commented that this site would create visual impacts, was unsafe, would be more difficult to patrol, and would result in problems with illegal

camping. Some commented that this alternative was cost prohibitive, would be harder for emergency vehicle access, and would require easements from Plum Creek and DNRC.

Some respondents commented that they were concerned about impacts to nesting waterfowl and negative impacts to deer and elk that use the area because it is remote and undeveloped. Comments were received expressing concerns about altering the pristine nature of the Turtle Cove area, and one was concerned about a fen located in the project area. One respondent was concerned about an increase in water turbidity from boats in Turtle Cove, and a second was concerned about surface runoff resulting from road improvements.

Alternative G: Turtle Cove site development, East Crystal Lake Road.

There were 63 respondents who felt that this alternative should be selected. Proponents commented that this location was ideal for swimming and relaxing and would address the issues of litter impacts on adjacent homeowners. Several commented that this site would have less impact on adjacent homeowners due to its remoteness, while others commented that the likelihood of vandalism, theft, or nuisance or dangerous visitors would be less to adjacent homeowners. Some felt that this site was best because it was historically used by the public. Some respondents preferred this alternative because it would utilize the paved Lakeshore Drive, would provide a good, private launch site well suited to dropping off skiers, and was safer than the other alternatives. Some supported this alternative because it was close to the allotted budget and least expensive of the west side alternatives. One respondent felt this alternative was an investment in Montana's future.

Opponents of this alternative felt that many residences would experience noise and visual impact. Some felt that between 20 and 30 residences on Lakeshore Drive would be negatively impacted and that there was a safety concern because people walk or ride bicycles on this road. One respondent commented that this site would be harder to police.

Some commented that this alternative required too much road construction, was outside of the allotted budget, and that Lakeshore Drive was too narrow and dangerous and would need to be widened. As with Alternative F, some respondents felt that this site would have greater impacts to wildlife and other natural resources.

General West Side Comments

Several respondents submitted comments regarding the west shore in general, without specifying Alternatives D, E, F, or G. Sixteen respondents felt that some alternative on the west shore of Crystal Lake should be selected.

Proponents of a location on the west shore of the lake commented that this site would create fewer impacts to adjacent homeowners from latrine odors, dust, litter, loss of privacy, conflict with users, theft, vandalism, and homeowner safety. Some felt that development of this site would have no greater impact on wildlife than the east side.

Opponents of a location on the west shore of the lake commented that they felt a development there would be visually offensive, would increase traffic past private homes, and would slow emergency response. Others felt that the west side was cost prohibitive

and that ice anglers would not be able to access in the winter because of the cost of plowing. Comments were received that said the west side had poor ramp choices and would result in the spread of noxious weeds.

Several comments were received that development on the west side of the lake would have negative impacts to wildlife and would alter the pristine nature of the west side. Others felt a development there would impact soils, fens, and water quality. Some commented that a development on the west side of the lake did not follow the intent of the TCL Management Plan.

General Comments

Several comments were received that pertained to the proposal in general and not to a specific site alternative. Please see Appendix 1 for a complete synopsis of these comments and FWP responses. (A copy of Appendix 1 is available on the FWP web site at fwp.mt.us under Public Notices, or copies can be requested from the Region One FWP office by calling 751-4579.)

Decision

In light of public comments and internal agency review, I accept Alternative B of the draft EA as the preferred alternative. It is my belief that this alternative has the fewest impacts to the human and natural environment, while best fulfilling the objective of providing safe, low impact, and fiscally responsible access to Crystal Lake. Objection to this alternative was based principally on a perception of higher social impacts to neighboring homeowners. I feel that this alternative has impacts to the fewest number of homeowners, and that through careful site design and management, these impacts can be substantially mitigated.

Several people who participated in the public comment process felt that FWP should develop one of the alternatives on the west side of Crystal Lake, and in particular, Alternative G - Turtle Cove via Lakeshore Drive and East Lakeshore Drive. The cost of development, almost twice that of Alternative B, in combination with higher operational costs and wildlife impacts, does not make this alternative a responsible choice for a site that will accommodate six to ten vehicles.

The development of a boat access point on the east side of Crystal Lake is consistent with the original intent of the acquisition of this 72-acre parcel as detailed in the Thompson Chain of Lakes Management Plan and Environmental Assessment of 1993. This development is intended to replace public access to Crystal Lake that was lost in 2006 in a proportional manner. Therefore, the cumulative effects of this development are deemed to be similar to those experienced in recent history.

Mitigative Measures

FWP intends to work closely with adjacent property owners on a site design that will mitigate potential impacts resulting from public use. FWP will collaborate on features such as fences or vegetative buffers to mitigate noise and loss of privacy. FWP will work on a site design that locates the latrine and parking lot as far as reasonably possible from residential property to mitigate odors and noise. Dust control measures and posted speed limits will be implemented to mitigate dust created by vehicles accessing the launch area. Clear and concise user rules and hours of operation will be posted within

the site and reinforced through patrols by FWP game wardens and park rangers. An information board will be located at the boat launch to inform boaters of wake rules and other pertinent regulations to Crystal Lake. Above all, FWP will work with adjoining landowners to address specific visitor use issues when and if they arise.

Final Environmental Assessment

There are no modifications necessary to the draft EA based on public comment. The draft EA, together with this decision notice, will serve as the final document for this proposal.

I have evaluated the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant impact on the human or physical environment. Therefore, an environmental impact statement will not be prepared.

The final EA may be viewed at or obtained from Montana, Fish, Wildlife & Parks, Region One, Kalispell, Montana. Please direct request to FWP Region One Parks Division Office at 490 North Meridian Road, Kalispell, MT 59901.

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620.

James R. Satterfield, Jr., Ph.D.
Regional Supervisor

Date